

2014 Public Disclosure Review Project

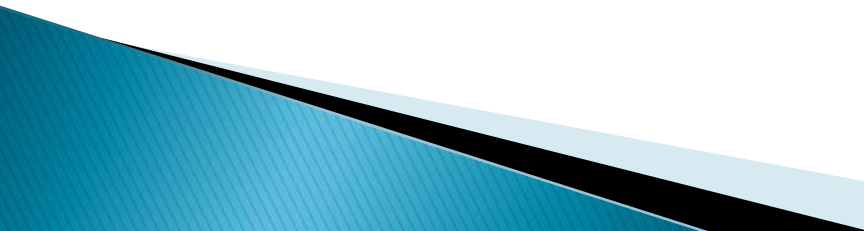
Response to Statement of Legislative Intent

[SLI 13-2-A-1](#)

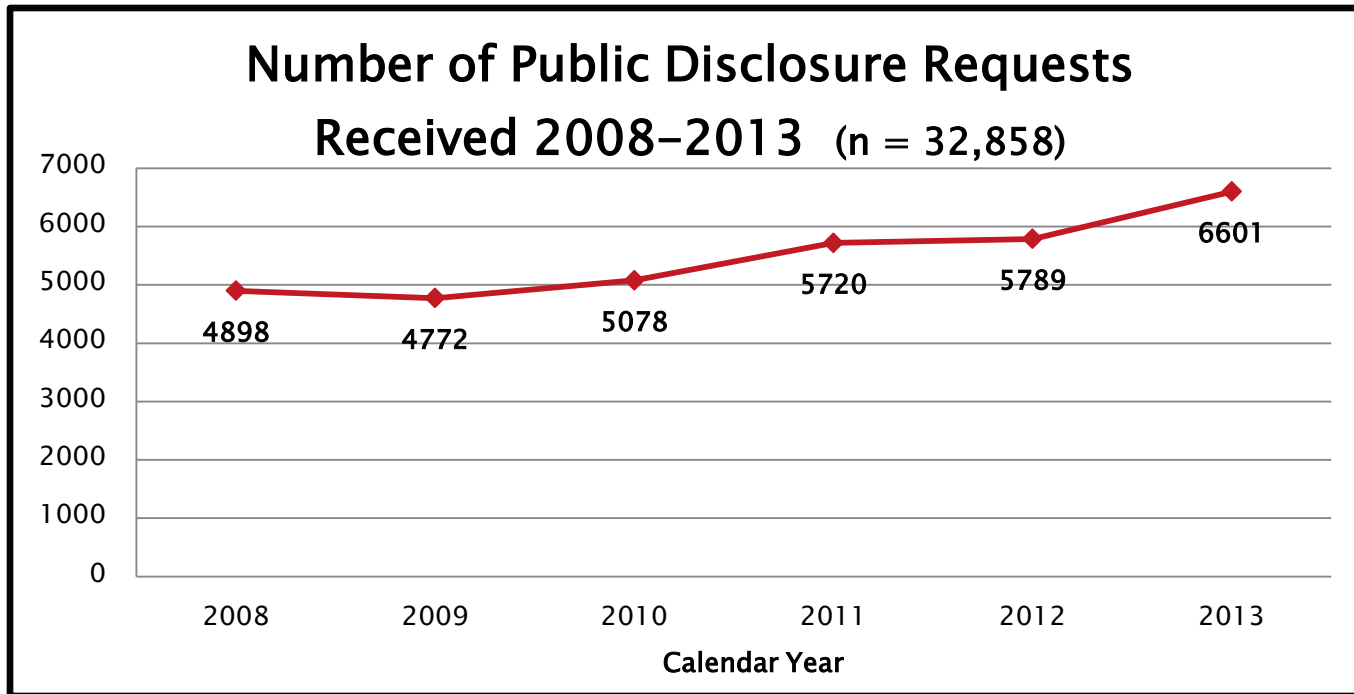
2014 Review of Public Disclosure

- ▶ Council SLI establishes Dept. of Finance and Administrative Services–led Task Force to:
 - Review current practices
 - Identify shortcomings
 - Provide an initial set of recommendations regarding Citywide policies, procedures, and organizational structures by July 31, 2014
- ▶ Task Force members from Executive, Legislative and Legal branches

Background

- ▶ April 2009, Council adopts [Ordinance 122969](#), focused on making public records available in a timely and orderly manner
 - ▶ November 2009, as required by Council, one central Public Disclosure Coordinator, located in Finance and Administrative Services, supports the Executive branch
 - ▶ Three assistant City Attorneys provide legal advice and handle litigation related to the Public Records Act
 - ▶ City Attorney's Office maintains separate database tracking both public disclosure requests received and litigation searches
 - ▶ Legislative Department relies on the City Clerk to track and respond to PDRs received
 - ▶ Each branch may assist in the response to a records request involving multiple offices
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Goal: Ensuring City fulfills public disclosure requests consistently, efficiently & effectively

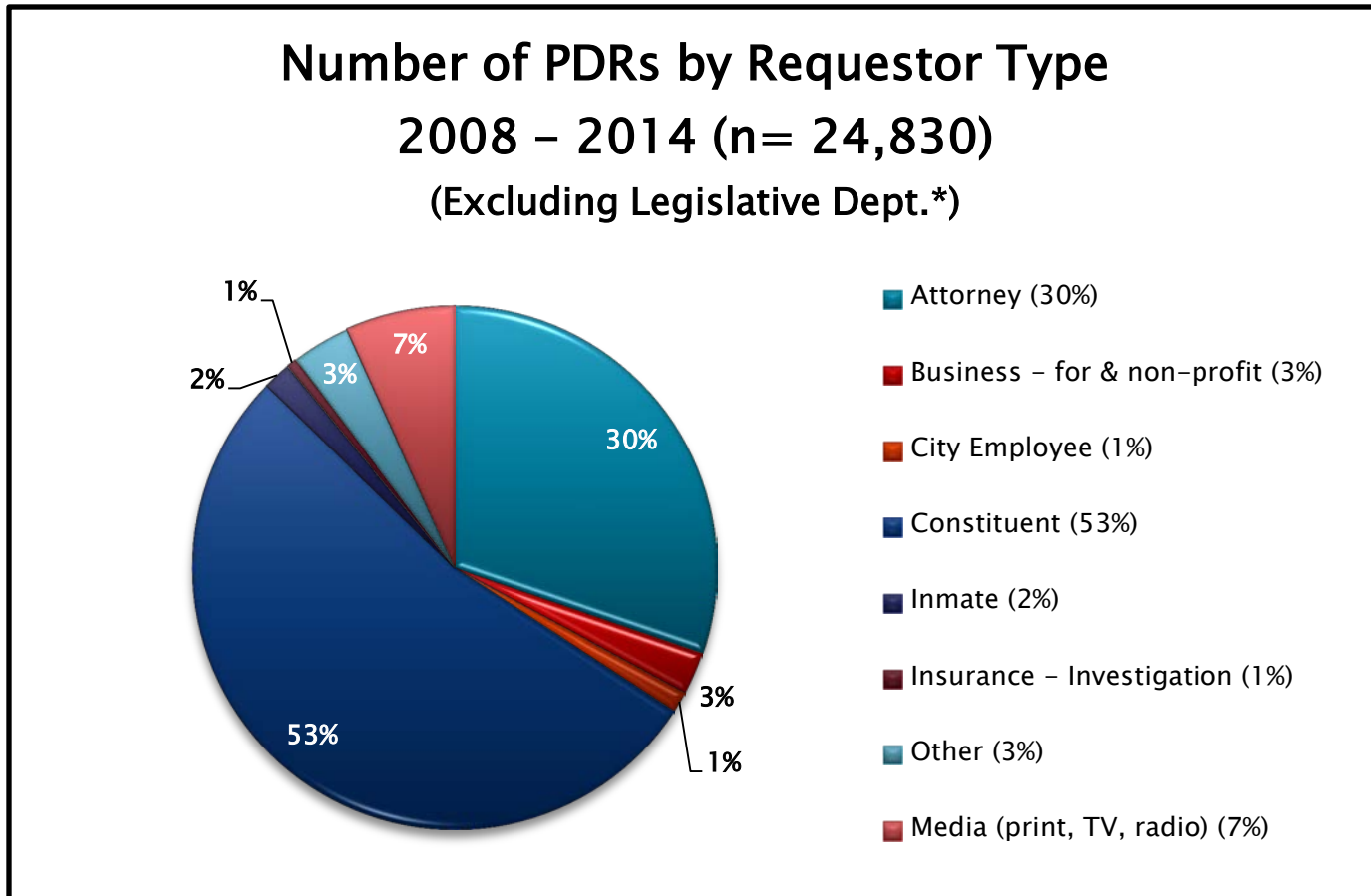


Challenges

- Growth in the complexity and size of public disclosure requests
- Inflexibility of the statute and the increase of shared record-keeping systems, such as email
- Departments' reliance on numerous and scattered record technologies
- Public's expectation of immediate accessibility of records

Note: Data for 2013 includes one requestor filing 500 individual requests across multiple departments, which skews the trend.

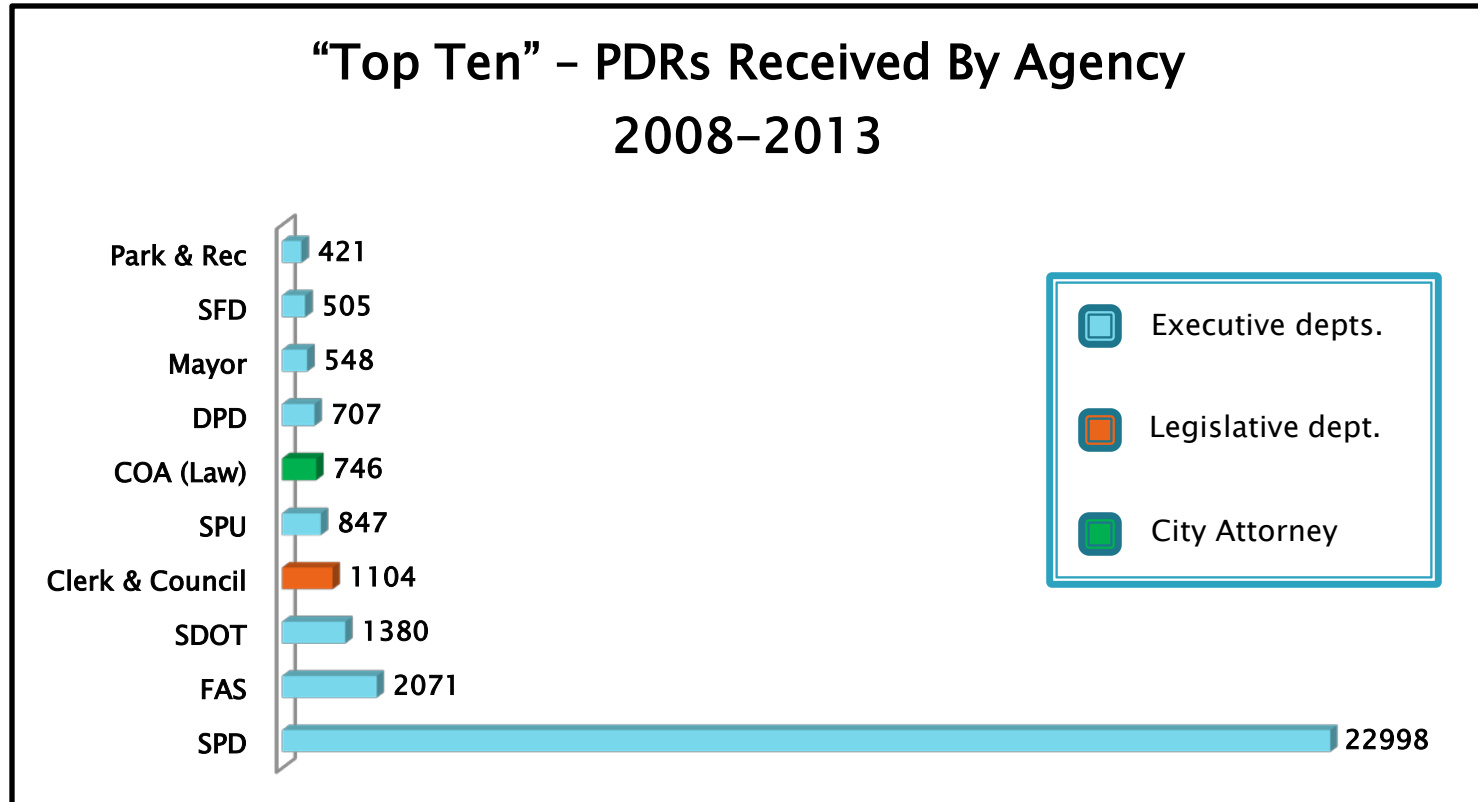
Requestor Profile



While the average requestor is a constituent whose request is straightforward and completed within a reasonable time, there are clearly exceptions to this average, such as one requestor in 2013 who filed 500 individual requests across multiple departments

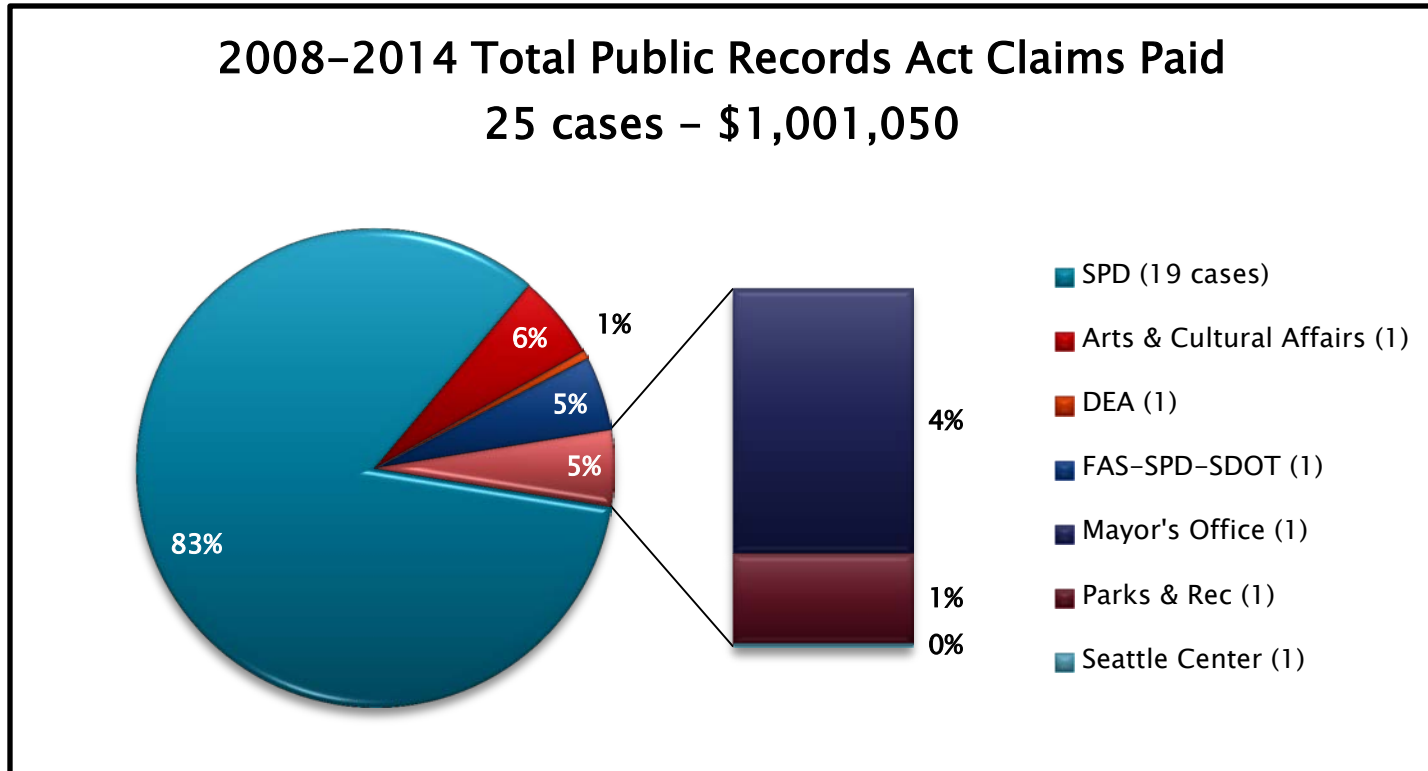
**City Clerk & Council reports an average of 86% Constituent, 7% Attorney, 5% Media and 2% Inmate requestors.*

Agency profile



Each agency holds common records, such as email, and unique records (e.g., procurement files, animal control incident reports, maps of street repairs, etc.). Unique records require individualized review for exemptions, so a smaller number of records can still equate to a very complex and time-consuming PDR response

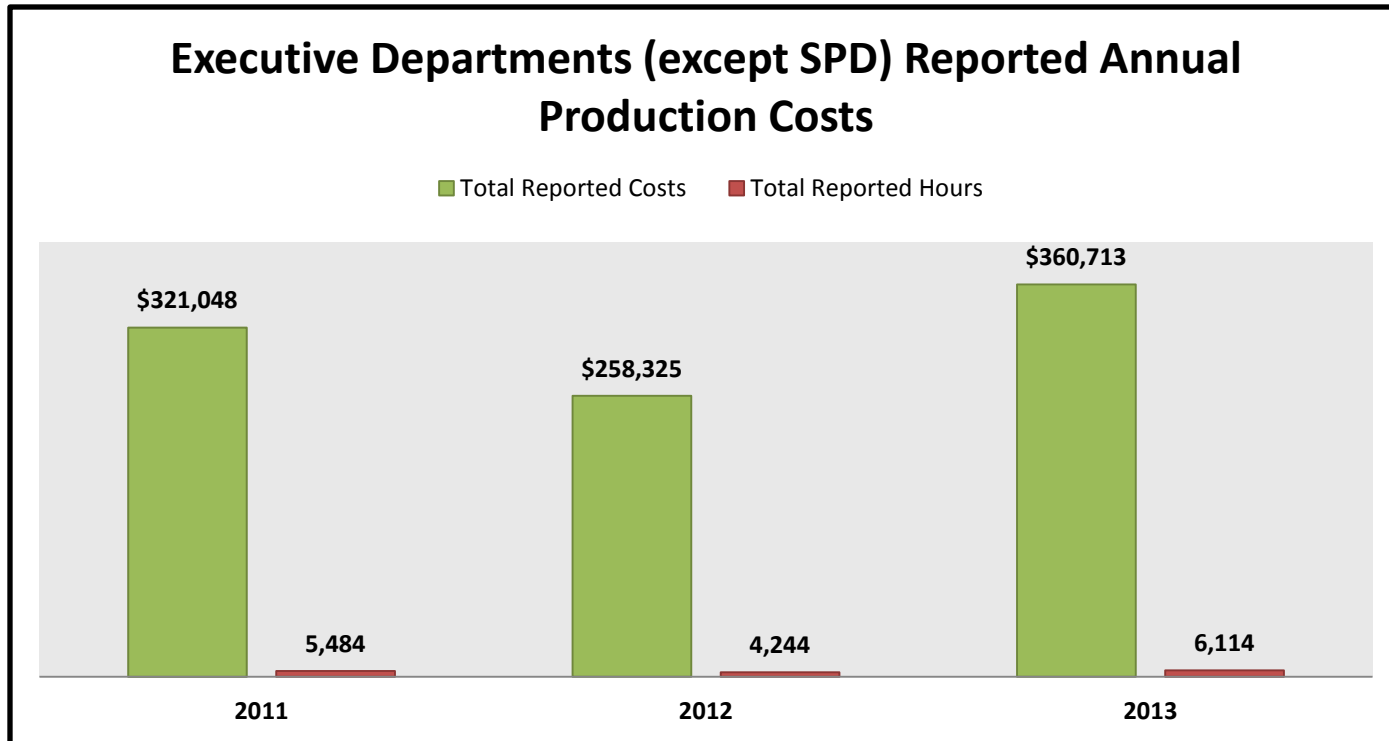
Costs of PDR-related litigation



Though PDRs that lead to litigation represent only a small percentage of the overall number of requests received and completed, the cost of these cases and claims are significant. Three additional cases or appeals are currently pending in court

2011 – 2014 Costs of PDR Production = \$940,086

(Excluding SPD & Legislative Dept.*)



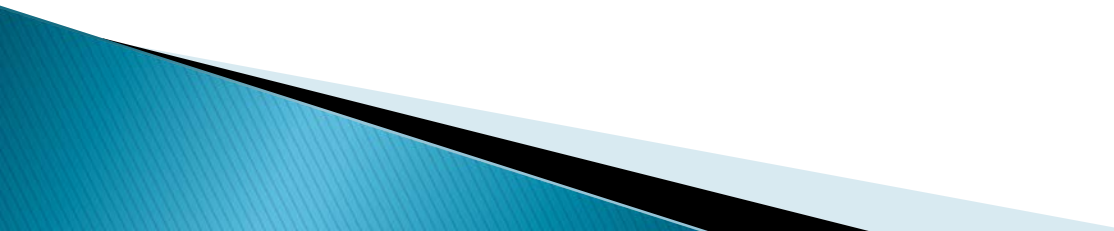
Source: City's Public Disclosure Tracking System (PDTs)

** Legislative Department reports monthly average response time required is 294.25 hours and average cost is \$10,497 per month
SPD reports an annual average of 22 days response time required per request in 2013*

Proposed Project Scope

- ▶ Review the City's current public disclosure processes to determine:
 - What is working
 - What could be improved
 - What would be most helpful to staff who work on PDR search, review and production
- ▶ Research and analyze:
 - Existing data
 - Best practices
 - Policies and practices
 - Issues
 - Risks
 - Impacts of the City's technology infrastructure
 - Organizational structure of the City's public disclosure processes (points of contact for requestors, coordination on multiple department/large requests, triage issues)
 - Costs associated with current public disclosure responses
 - Risks
 - Other issues as they arise

Not In Scope

- ▶ Council provided the City Auditor with \$300,000 for a 2014 audit of the Seattle Police Department's (SPD) PDR procedures, including an examination of SPD's current policies, protocols and practices
 - ▶ To avoid needless duplication of effort, the response to this SLI will not include a review of the Seattle Police Department's procedures for responding to public disclosure requests
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2014 City PDR Review Proposed Timeline

